

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TERRY E. WANNER,	:	<b>CIVIL NO: 1:16-CV-00389</b>
	:	
Plaintiff,	:	
	:	
v.	:	(Chief Magistrate Judge Schwab)
	:	
GRANT SHOOK,	:	
	:	
Defendant.	:	

**ORDER**

January 29, 2018

Upon consideration of Defendant's motion for summary judgment, and for the reasons set forth in the accompany memorandum (*doc. 32*), **IT IS HEREBY ORDERED** that said motion (*doc. 23*) is **DENIED**. Counts I and II of the complaint are **WITHDRAWN**, and Count III of the complaint is **DISMISSED** without prejudice to Plaintiff seeking relief in an appropriate state court.

*S/Susan E. Schwab*  
Susan E. Schwab  
United States Chief Magistrate Judge